

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD ALLEN FABEL,  
RODNEY ROLLNESS,  
JOSHUA BINDER,  
RICKY JENKS, and  
PAUL FOSTER

Defendants.

Case No. CR06-041L

ORDER DENYING MOTION TO  
INSPECT SCENE OF RACKETEERING  
ACT 1

This matter comes before the Court on defendant Rollness, Fabel, Binder and Jenks' "Motion to Inspect Scene of Racketeering Act 1" (Dkt. #278). Defendants seek Court authorization to inspect and photograph the apartment where the crime described in Racketeering Act 1 is alleged to have taken place.

The Court concludes that defendants have failed to offer a sufficient factual or legal basis for their request. The apartment in question is a private residence and is not under the "control" of the Government. In fact, Government agents have only been inside the residence once and defendants have been provided photographs that resulted from that visit. Defendants have offered no reason why these photographs are insufficient for the purpose of investigating the allegation at issue in Racketeering Act 1, which has little to do with the physical layout of

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SCENE OF RACKETEERING ACT 1

1 apartment in question. Defendants' motion (Dkt. #278) is therefore DENIED.

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3 DATED this 30<sup>th</sup> day of January, 2007

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6 Robert S. Lasnik  
7 United States District Judge  
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ORDER DENYING MOTION TO INSPECT  
SCENE OF RACKETEERING ACT 1